

SENATE BILL REPORT

SB 5314

As Reported By Senate Committee On:
Health & Long-Term Care, February 5, 2007

Title: An act relating to record checks for developmental disabilities service providers.

Brief Description: Requiring record checks for developmental disabilities service providers.

Sponsors: Senators Kauffman, Schoesler, Prentice, Marr, McAuliffe, Regala, Oemig, Hobbs, Rasmussen, Franklin, Keiser, Kilmer, Jacobsen, Tom, Spanel, Shin, Kline, Kohl-Welles, Sheldon and Roach.

Brief History:

Committee Activity: Health & Long-Term Care: 1/24/07, 2/5/07 [DPS-WM].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5314 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: Currently, the Department of Social and Health Services (DSHS) requires background checks for employees who have unsupervised access to persons with developmental disabilities. If an applicant seeking employment has lived in the state for the previous three consecutive years, a State Patrol check is required. This reveals the individual's full criminal history along with information on arrests within the last year, detentions, and other criminal charges and dispositions.

Any applicant who has not lived in the state over the past three consecutive years is required to have a fingerprint background check submitted through the Federal Bureau of Investigation (FBI). This provides criminal history and pending charges information from a national database.

Summary of Bill: All persons who provide services through DSHS to persons with developmental disabilities are required to obtain a background check through the Washington State Patrol criminal identification system and through the FBI.

In certain cases, employees may work on a conditional basis pending completion of the checks.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Any applicant who has had a record check within the previous two years may have the requirement waived.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Health & Long-Term Care): Caregivers can continue working pending the results of the background check if the employer made the request within a week of hire.

Appropriation: None.

Fiscal Note: Requested on January 20, 2007.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We need to improve our system for background checks, especially when vulnerable people are involved.

CON: There is already a very high turnover rate among people who work with the disabled. It can take over a month to get an FBI background check. This really impacts our ability to hire people.

OTHER: Many people who work in community based services are not working with people with developmental disabilities. It's not clear whether this would apply to them or not.

Persons Testifying: PRO: Senator Kauffman, prime sponsor; Rick Jensen and Maureen Durkan, Action.

CON: Robbin Naylor, Community Residential Services Association.

OTHER: Kathy Leitch, DSHS.